CHAPTER 6

Fruits of Investigation

The Ombudsman's Recommendations

6.1 The Ombudsman Ordinance requires The Ombudsman, after an investigation, to report his opinions, to give reasons and to make recommendations. These recommendations broadly fall into two categories, namely :

(a) Redress of grievances -- aimed at redressing specific grievances, including issue of apologies and remedial measures.

(b) Administrative improvement -- aimed at achieving overall or specific improvement in the administration of the organisation, including the introduction of procedural changes to remove the administrative errors, loopholes or other areas of administrative deficiency.

6.2 If an investigation report to the head of the organisation concerned is, in my opinion, not adequately acted upon, The Ombudsman Ordinance provides that I may submit my report and recommendations together with any further observations to the Chief Executive. I may also make a further report to the Chief Executive if I am of the opinion that a serious irregularity or injustice has taken place and a copy of such further report shall be laid before the Legislative Council. During the year, I have not presented any such report to the Chief Executive.

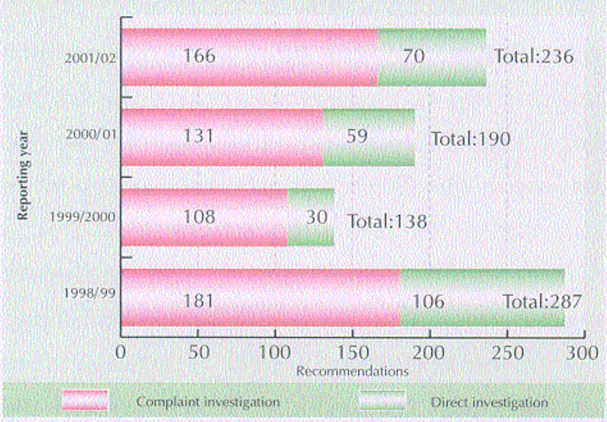
The Government Minute on Implementation

6.3 Since 1995, the Administration has been submitting a Government Minute to the Legislative Council within three months after the tabling of The Ombudsman's Annual Report. It summarises the follow-up actions taken by the Government departments and statutory organisations in implementing The Ombudsman's recommendations. This arrangement demonstrates the seriousness with which the Administration views the role of The Ombudsman in promoting open and fair, responsive and responsible government.

Enhancement of Quality Administration

6.4 We believe that properly conducted investigations and carefully considered recommendations are the key to our work processes. Indeed, an important indicator of our achievement is the number of recommendations for improvement made by me and adopted for implementation by the organisations. In the 2001/02 reporting year, my Office completed 331 investigations and four direct investigations. In this connection, we made a total of 166 and 70 recommendations respectively. Over 95% of the recommendations have been accepted by the organisations concerned. Each recommendation, when implemented, represents an improvement to public administration. In this respect, we must pay tribute to complainants for contributing to the improvement of public services. In short, we seek to improve rather than to disapprove.

Fig.6.1 **Recommendations made after investigations**



Positive Complaint Culture

6.5 Unquestionably, complaints originate from grievance or dissatisfaction but this does not render complaints necessarily a negative product. A complaint made in good faith is due exercise of citizens' right. A valid complaint enables Government to re-visit policies, procedures and practices with The Ombudsman as referee. Complaints should be regarded as opportunities for redress and for improvement.

6.6 Over the years, we have been promoting a positive complaint culture with both the complainants and the organisations on Schedule 1 to the Ordinance. These activities are described in Chapter 7.